IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 36180 of 2005(F)

PETITIONER:

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1. JAMES.E.D., S/O.E.A.DEVASSY,
   AGED 39 YEARS, RESIDING AT IV/266,
   ELLUVATHINGAL HOUSE, CHEVOOR VILLAGE,
   THRISSUR.

2. FRANCIS.E.D., S/O.E.A.DEVASSY,
   AGED 51 YEARS, RESIDING AT ELUVATHINGAL
   HOUSE, CHEVOOR VILLAGE, THRISSUR.

3. OUSEPH.E.D, S/O.E.A.DEVASSY,
   AGED 46 YEARS, RESIDING AT ELUVATHINGAL HOUSE,
   CHEVOOR VILLAGE, THRISSUR.

BY ADV. SRI.K.A.SREEJITH

RESPONDENTS:

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1. BHARATH SANCHAR NIGAM LIMITED,
   REPRESENTED BY PRINCIPAL GENERAL MANAGER,
   THRISSUR.

2. SUB DIVISIONAL ENGINEER,
   B.S.N.L., OLLUR.

3. DIVISIONAL ENGINEER,
   TELECOM, CHERPU EXCHANGE,
   B.S.N.L., OLLUR.

4. E.D.ANTONY, S/O.E.A.DEVASSY,
   ELUVATHINGAL HOUSE, CHEVOOR,
   P.O.CHERPU, THRISSUR.

BY ADV. SRI.K.KESAVANKUTTY, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 36180/2005

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPIES OF THE CERTIFICATE ISSUED BY PANCHAYATH PRESIDENT.

P2 : COPIES OF THE COMPLAINT SUBMITTED THE PETITIONERS TO THE RESPONDENTS.

P3 : COPIES OF REPLY GIVEN BY RESPONDENTS TO THE PETITIONERS.

RESPONDENT'S EXHIBITS

R2(a) : COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT DATED 30/9/2005. ATTESTED BY NOTARY PUBLIC.

R2(b) : COPY OF COMPLAINT IN CONSUMER COMPLAINT NO.1143/2005 DATED 25/11/2005 OF THE 1ST PETITIONER FILED BEFORE THE CONSUMER DISPUTES REDRESSAL FORUM, THRISSUR.

R2(c) : COPY OF THE NOTICE DATED 25/11/2005 IN CONSUMER COMPLAINT 1143/2005 OF THE CONSUMER DISPUTES FORUM, THRISSUR SENT TO THE RESPONDENTS.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 36180 of 2005 F

Dated, this the 29th day of March, 2007

J U D G M E N T

The dispute pertains to right among legal heirs after the death of a BSNL subscriber. The learned counsel for the BSNL submitted that connection was given to 4th respondent, who is a son of the deceased based on the affidavit. However, the other children of the deceased contend that connection shifted by BSNL is unauthorized and telephone was wrongly shifted from the house of the 1st petitioner. I find this dispute has lost its relevance because BSNL is in a position to give telephone connection to anyone who applies for it, anywhere in rural areas and in areas peripheral to the rural area. In the circumstance, I direct BSNL to give connections to the petitioners, on making application and on compliance with other formalities and on making payments.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg